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**To:** Attention: Examiner Levy, Nell S.  
US PTO  
Commissioner for Patents

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**Subject:** U.S. Patent Application No.  
10/036,652  
Filed: 21-Dec-2001  
Attorney Docket No. 5392  
U.S. PTO Cust. No. 25280

**Date:** November 11, 2003

**Copies:**

**Pages:** 11, including cover

**Comments:**

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PTO/SB/30 (09-03)

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# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/038,652
Filing Date	21-Dec-2001
First Named Inventor	JACKSON, DELWIN S.
Art Unit	1816
Examiner Name	Levy, Neil S.
Attorney Docket Number	5392

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☒ Deposit Account No. 04-0500
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	BRENDA D. WENTZ	Registration No. (Attorney/Agent)	48,643
Signature	<i>Brenda D. Wentz</i>	Date	NOVEMBER 11, 2003

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	ALISSA D. KOHLMAN	Date	NOVEMBER 11, 2003
Signature	<i>Alissa D. Kohlman</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Case# 5392

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 12 2003

Application of: Delwin Jackson et al.  
Serial Number: 10/036,652  
Filed: December 21, 2001  
Title: Antimicrobial Sol-Gel Films Comprising Specific Metal-Containing Antimicrobial Agents  
Group Art Unit: 1616  
Examiner: Neil S. Levy

## CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8(d)

I hereby certify that this correspondence is being transmitted by facsimile to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, at (703) 872-8307.  
Date: November 11, 2003

Signature: Alissa D. Kohlman

Name: Alissa D. Kohlman

## RESPONSE AND AMENDMENT

Honorable Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This reply is in response to the Final Office Action dated August 13, 2003. A Request For Continued Examination (RCE) under 37 CFR 1.114 is being filed concurrently herewith.

Claims 1 - 23 are rejected. Applicants have cancelled claims 6-15 and have amended claims 1 and claims 16-20. Applicants have added two new claims - claim 24 and 25.